

## **DEPARTMENT OF FOOD AND AGRICULTURE**

### **INITIAL STATEMENT OF REASONS**

**Hearing Date:** No hearing is scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department of Food and Agriculture (Department) no later than 15 days prior to the close of the written comment period.

**Subject Matter of Proposed Regulations:** Bovine Trichomonosis Control Program

**Sections Affected:** Sections 820, 820.2, 820.3, 820.4, 820.5, 820.6 and 820.7.

#### **Specific Purpose of Each Adoption, Amendment, or Repeal**

Food and Agricultural Code section 10610 authorizes the Department to adopt regulations to control and eradicate cattle diseases, including bovine trichomonosis, through limitations on movement, diagnostic testing, vaccinations, or other appropriate methods of treatment and control.

In compliance with Food and Agricultural Code Section 10610, the Department has in place regulations under sections 820, 820.2, 820.3, 820.4, 820.5, 820.6 and 820.7 of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations. These regulations establish the requirements for the control of bovine trichomonosis including definitions, conditions for the movement of cattle, testing and diagnosis, notification and disposition of positive and infected cattle, and penalties.

This proposal amends sections 820, adopts section 820.2, renumbers and amends former section 820.2 to read 820.3, renumbers and amends former section 820.3 to read 820.4, renumbers and amends former section 820.4 to read 820.5, renumbers former section 820.5 to read 820.6, repeals former section 820.6, adopts section 820.7, and renumbers former section 820.7 to read 820.8 of Article 12 (Bovine Trichomonosis Control Program).

This proposal updates the interstate movement requirements for bulls entering California and strengthen existing testing protocol for infected cattle and affected and exposed herds. The amendments were promulgated by the Department's Cattle Health Advisory Task Force pursuant to section 10610 of the Food and Agricultural Code, at their meetings held January 18, June 14, and November 8, 2006.

The overall intent of these regulation changes is to prevent and control the spread of bovine trichomonosis in California and the United States pursuant to Food and Agricultural Code section 9561.

#### **Factual Basis**

The Department is responsible for promoting and protecting the agricultural industry of California. Further, the Department seeks to enhance, protect and perpetuate the ability of the agricultural industry to produce food and fiber in a way that benefits the general welfare

and economy of California, and maintains the economic well-being of agriculturally dependent rural communities in California pursuant to Food and Agricultural Code sections 401 and 401.5.

The Department's Animal Health Branch is the State's organized, professional veterinary medical unit that protects livestock populations, consumers, and California's economy from catastrophic animal diseases and other health or agricultural problems. The Branch addresses diseases and other problems that cannot be successfully controlled on an individual animal or herd basis, but require statewide coordinated resources.

Existing law, Food and Agricultural Code sections 9562 authorizes the State Veterinarian to order the quarantine of diseased animals and restrict movement of infected animals or animal products to prevent the spread of illness to humans or other animals. Section 10610 authorizes the Department to adopt regulations to control and eradicate cattle diseases, including bovine trichomonosis, through limitations on movement, diagnostic testing, vaccinations, or other appropriate methods of treatment and control.

This proposal addresses the control and eradication of bovine trichomonosis pursuant to section 10610 of the Food and Agricultural Code. Trichomonosis is a disease of cattle causing abortion and infertility. Considered a venereal disease of cattle, it is transmitted by sexual contact with an infected mate. Prevention is the only satisfactory approach to controlling this disease, as no legally approved treatment has been identified at this time.

Bovine trichomonosis has been and continues to be an important cause of economic loss in cattle operations throughout the United States. Economic estimates indicate each infected bull costs the beef industry \$2,000 to \$2,500 per cow as bulls transmit the disease to many females in a herd and subsequently other herd bulls. Removing and replacing infected cattle is costly, however, the biggest source of economic loss is due to a reduction in the calf crop caused by early abortions. For example, a recent estimation of revenue loss in a 360-cow herd the year trichomonosis infection occurred was \$43,000. Additionally, the pregnancy rate had dropped from 95% to 65%.

Trichomonosis is widespread in California and neighboring states. In the Western U.S. rangelands where grazing management practices are employed, the disease is prevalent. Because of the devastating economic impacts on individual herds and the industry as a whole, many Western states have trichomonosis control programs, including Colorado, Utah, Wyoming, Oregon, and California.

The Department recognizes trichomonosis as a major economic threat to cattle production and therefore proposes to enhance exiting testing and interstate movement requirements and strengthen procedures for herds and cattle that are positive or have been exposed to the disease.

Outlined below is the factual basis and rationale for each adoption, amendment and repeal of specified sections of Article 12 (Bovine Trichomonosis Control Program).

## **Article 12. Bovine Trichomonosis Control Program**

### **Amend Section 820. Definitions.**

Subsection (a)(1) is added to define “affected herd” for clarity purposes.

Subsection (a)(1) is renumbered to (a)(2).

Subsection (a)(3) is added to define "Certified Semen Services" for clarity purposes. Certified Semen Services is an industry sponsored organization that has established minimum standards and rules to assure the authenticity of semen products and sire health testing at artificial insemination centers. The organization is recognized by the USDA and artificial insemination centers worldwide.

Subsection (a)(4) is added to define “exposed herd” for clarity purposes.

Subsection (a)(2) is renumbered to (a)(5).

Subsection (a)(6) is added to clarify the term "herdmate bull".

Subsection (a)(3) is renumbered to (a)(7).

Subsection (a)(8) is added to clarify the meaning of “infected cattle”.

Subsection (a)(4) is renumbered to (a)(9) and amended to make the definition of “official individual identification” consistent with the USDA’s National Animal Identification System.

Subsections (a)(5) and (6) are deleted and moved to subsections (a)(14) and (15), and reworded for clarity purposes.

Subsection (a)(7) is renumbered to (a)(10).

Subsection (a)(8) is renumbered to (a)(11).

Subsection (a)(9) is renumbered to (a)(12).

Subsection (a)(10) is renumbered to (a)(13).

Subsection (a)(14) is added to clarify "trichomonosis confirmatory test" to define the term as used in this Article.

Subsection (a)(15) is added to clarify "trichomonosis test" to accurately define the test acceptable to the Department.

Subsection (a)(11) is deleted as it is duplicative of subsection (a)(14) and (15).

Subsection (a)(12) is renumbered to (a)(16).

## **Adopt Section 820.2. Interstate Livestock Entry Permits.**

**Subsections (a)** informs the public that an Interstate Livestock Entry Permit may be necessary if it is required for the importation of animals into California. Some classes of animals may require a permit because of their risk for having disease.

**Subsection (b)** explains what an Interstate Livestock Entry Permit is and how it is used. The Department uses information provided by the applicant to determine whether or not the animals, if allowed entry into the state, would pose a risk for having or spreading disease. The overall disease risk is determined by evaluating several factors including the type of animal, the state from which it is coming, what the animal will be used for upon arriving in California, vaccination status, and disease status in the originating state and in the United States.

An Interstate Livestock Entry Permit is an internal record that can also be used to locate animals during a disease outbreak. Information provided by the applicant may be used to investigate and determine sources of disease or infection, and to prevent subsequent spread of disease in California or the state from which animals came.

**Subsection (c)** specifies that the Department's Animal Health Branch is the only one place where an entry permit can be obtained for domestic livestock entering the state. Most requests for entry permits are applied for by telephone, however, the Animal Health Branch accepts requests for permits by other electronic means as specified. The Department is not including a copy of the actual permit in its regulations, as it is an internal computerized tracking document used by the Department. All states have their own version of a livestock entry permit; there is not one uniform permit for the United States.

This section also clarifies that an entry permit number, when required, must be obtained prior to the animals arriving into California. It is necessary to include this requirement because importers will bring animals into the state without first notifying the Department as required by this section. Animals may not meet California's entry requirements yet they have already arrived. If the animals were diseased, it would be too late to prevent any possible spread of disease. Therefore, the Department requires persons importing animals to obtain the permit before the animals are transported.

**Subsection (d)** specifies that a unique permit number, indicating approval of the application, is usually issued immediately over the telephone after information is gathered. A unique number is necessary for the Animal Health Branch's computerized permitting system, which allows for the collecting of data on livestock movements and for the tracking of animals in the event of a disease outbreak.

The applicant for the permit to transport livestock may request a copy of the permit from the Department, however, that rarely occurs as the applicant only needs the permit number for entry into the state, normally issued by telephone or other electronic means. The applicant does not need to provide a copy of the permit itself to state or

federal inspectors (when requested), however the number of the permit must be included on the Certificate of Veterinary Inspection.

**Subsection (e)** requires the applicant for the permit to enter California to establish that all animals in the shipment meet California entry requirements and possess a Certificate of Veterinary Inspection when required. When the applicant contacts the Department to obtain the permit number, Departmental staff verify that the animals are in compliance with California's entry requirements for the type and purpose of animal being imported, and that the importer possesses a Certificate of Veterinary Inspection when required.

**Subsection (f)** defines the basic information the applicant needs to supply to the Department so that the permit number may be issued.

**Subsection (g)** requires that each shipment, which may consist of one or more loads, has a separate entry permit number. A shipment is a group of animals that have the same origin and destination. For some importers of livestock, the number of animals in one shipment may be so great that they may not all fit into one transportation vehicle making it necessary to split the shipment into separate truckloads. To better keep track of animals represented on the required documentation, and to ease the burden on the owner shipping a large number of animals, the Department requires that the entire shipment of animals, which may consist of one or more truckloads, have the same permit number.

**Subsection (h)** states that the animals must be transported directly to the destination indicated because the Department has to be able to locate arriving animals should an examination be necessary. Therefore, the public should be informed that the animals are not to be diverted to another location, but taken directly to the destination indicated on the permit.

**Subsection (i)** specifies that the State Veterinarian may deny the request for an entry permit number if there is a serious threat to the public or animal health in this state by importing animals from another state or country. To preserve the public and livestock health, the State Veterinarian is authorized by Food and Agricultural Codes sections 9562 and 9570 to take this action by limiting or restricting the movement of animals into California.

**Subsection (j)** specifies that Interstate Livestock Entry Permits shall expire 15 days after issuance by the Department. The Department has determined that a 15-day expiration is needed to prevent long periods of time to pass between the issuance of the permit and the arrival of the animals. During this time, animals may become exposed to disease or disease status may change. Additionally, Departmental personnel wait for the arrival of these animals for inspection purposes. Therefore, it is necessary that animals depart and arrive in a timely manner from the date the Department has approved their entry into the state.

## **Renumber and Amend Section 820.2. to 820.3. Requirements for Entry of Bulls into California.**

**Subsection (a)** amends the text to clarify that the regulation applies to bulls 18 months of age and over. Existing text does not include bulls that are 18 months, only those that are over that age. Eighteen months is an industry standard for a variety of testing and vaccinating procedures, and it is the intent of the Department to have this specified age for the Trichomonosis Control Program as well.

**Subsection (a)(1)**, no changes to existing text.

**Subsection (a)(2)** proposes to add to the requirements for persons importing bulls into California, the need to obtain an Interstate Livestock Entry Permit. The Interstate Livestock Entry Permit as described in proposed new section 820.2 is the Department's authorization for animals to enter California. It is also used to trace or track the movements of animals suspected of spreading or potentially carrying disease. The use of this document is a common practice within the cattle industry and used by every US state for various livestock disease programs.

**Subsection (a)(2) is renumbered to (a)(3)** and amends the number days within which cattle must be tested for trichomonosis prior to entering California to “60 days”. Existing requirements specify “30 days”, however the Department has determined this timeframe is restrictive and difficult for persons importing cattle to comply with. The Department therefore proposes changing “30” days to “60” days to allow more time to complete the required testing.

**Subsection (a)(3) is renumbered to(a)(4)** and contains a grammatical change.

**Subsection (a)(4)(A)** expands upon the statement required on the Certificate of Veterinary Inspection. This subsection now requires that the bulls represented on the Certificate of Veterinary Inspection to have been confined and not to have had sexual contact with females since their last negative trichomonosis test. Because sexual contact is how the disease spreads, this requirement helps to ensure the absence of disease in bulls prior to entry into California.

A Certificate of Veterinary Inspection is the primary document necessary to describe and identify the animals in the shipment and their associated test results. This document is completed and issued by a state licensed and accredited veterinarian in the state from which the animals are leaving. It is a common practice to require a statement on the document to validate disease status or exposure to disease as determined by the veterinarian examining the animals.

**Subsection (a)(4)(B)** adds subsection (B) designation with a punctuation change.

**Subsection (b)(1)** amends the completed testing schedule for bulls originating from a herd diagnosed with trichomonosis to within “60” days prior to entry. Existing regulations specify “30” days which the Department has determined to be too

restrictive and difficult to comply with. Changing the time from “30” to “60” days gives more time to complete the required testing.

**Subsection (c)** is added to provide for bulls entering California as part of a herd that has been authorized entry into California via a Pasture to Pasture permit. “Pasture to Pasture” herds are herds of cattle from neighboring states that move into California for seasonal grazing and return to their state of origin within a few months. Requirements for such movements can be found in Title 3 of the California Code of Regulations section 753.1(f)(2)(A) through (H).

Existing regulations exempt bulls in “Pasture to Pasture” herds from pre-entry trichomonosis testing, however the Department has determined these animals still pose a risk for disease transmission and therefore should be tested within the 12 months prior to entry. Bulls moving in “Pasture to Pasture” herds are not required to have an Interstate Livestock Entry Permit because information provided by this document can be found in the application for a Pasture to Pasture permit. The Department believes the test requirement as proposed is necessary to ensure trichomonosis is not present in the breeding herd before it comes into the state.

**Subsection (c) is re-lettered to subsection (d).**

**Subsection (d)(1)**, no changes to existing text.

**Subsection (d)(2)** is deleted because new section 820.3(c) as described above, has replaced this requirement.

**Subsection (d)(3) is renumbered to (d)(2)** exempting from the trichomonosis test prior to entry, bulls used solely for artificial insemination. The Department is expanding upon this requirement to specify Certified Semen Services standards, as defined must be met when obtaining semen from bulls qualifying for exemption by this section. Certified Semen Services standards help to ensure minimum requirements for health monitoring and disease surveillance when obtaining and using semen for livestock reproduction.

**Subsection (d)(4) is renumbered to (d)(3).**

**Amend and Renumber Section 820.3 to 820.4. Sale of Bulls within California.**

**Subsection (a)** corrects the reference to section 820.2 to section read 820.3.

**Subsection (b)** is amended to establish the requirements for persons selling bulls in the state with regard to trichomonosis. The added section requires a negative trichomonosis test result on bulls 18 months of age and over and within 30 days prior to the sale; if this requirement is not met, bulls can only be sold for slaughter purposes.

Existing regulations do not prevent an infected bull from selling; only addressing those represented as “trichomonosis negative” as needing proof of the negative test. In practice, trichomonosis infected bulls are coming to market for sale, or sold privately.

These bulls are then taken home and incorporated into a herd, infecting it with trichomonosis. Because these bulls are not represented as trichomonosis negative, it is legal.

Therefore, the Department is proposing to change this requirement to prevent any infected bull from changing owners and continuing to spread disease by requiring a negative trichomonosis test for all bulls 18 months of age and over, or the only way they can be sold is for slaughter purposes or to a feedlot and eventual slaughter.

The Department is also changing the age requirement of bulls from “over 20 months” to “18 months and over” for consistency, and to further prevent the spread of disease. Bulls at 18 months are capable of breeding and very likely to be presented for sale. These animals should therefore be required to have a negative test prior to sale to verify that they are not trichomonosis infected.

**Subsection (c)** amends the statement required to be posted at public saleyards to reflect updated requirements proposed in subsection (b) above.

#### **Amend and Renumber Section 820.4 to 820.5. Approval for Testing and Diagnosis.**

**Subsections (a) and (b)** reflect changes made to section 820. (Definitions), specifically the omission of the word “official” when discussing trichomonosis sampling. At the time the existing regulations were adopted, more than one test for the diagnosis of trichomonosis existed. Only one of these testing methods was approved and recognized by the Department, and therefore referred to as “official”. This proposal is removing “official” as all trichomonosis testing methods are now considered official and recognized by the Department as appropriate means for diagnosing trichomonosis.

**Subsection (c)** makes no changes to existing text.

#### **Amend and Renumber Section 820.5 to 820.6. Notification and Reporting of Positive Test Results.**

The Department is amending the heading of this section to read "Reporting of Positive Test Results." Existing regulations (Section 820.5 (d)) require the Department to notify owners of cattle potentially exposed to trichomonosis, however this proposal is removing the requirement, and therefore removing such reference from the section heading.

Proposed section 820.6 requires veterinarians or persons taking samples and running tests for trichomonosis to report information regarding the discovery of trichomonosis and presumptive positive test results to the Department or appropriate entities as stated within the specified time periods.

**Subsection (a)** makes no changes to the text.

**Subsection (b)** is amended to require notification to the Department when any trichomonosis test result is positive. Private veterinarians and laboratories would



make contact, usually by telephone, with the Department's Headquarters Office in Sacramento or one of the Animal Health Branch District Offices to report the positive test results. This method of communication is successfully used for many other disease programs throughout the state.

Reporting positive trichomonosis test results to the Department is an important component to cleaning up trichomonosis infection in California herds. Upon notification, the State Veterinarian would evaluate the situation and determine whether any preventative measures or actions, such as movement restrictions or quarantine, are necessary at that time to prevent further spread of disease. Notification to the Department within the specified timeframe could be the difference between widespread infection and localizing disease to one or two herds.

**Subsection (c)** is amended to require presumptive positive test samples to have confirmatory testing when taken from herds of unknown status.

When a trichomonosis specimen is taken from a bull, a screening test is conducted to determine if the presence of *Tritrichomonas foetus* is likely. This screening test is referred to as a trichomonosis presumptive test. Proposed subsection (c) requires any trichomonosis presumptive positive test to undergo further or follow-up testing to confirm the presence of the organism, referred to as a trichomonosis confirmatory test. All trichomonosis confirmatory trichomonosis testing as defined must be completed in a State diagnostic laboratory. It is important all presumptive positive tests undergo confirmatory testing to rule out false positive test results or any errors that may have been made while collecting or handling the specimen or testing it in the laboratory.

Additionally, this subsection narrows the mandatory confirmatory testing requirement to apply only when the trichomonosis positive specimen was taken from a herd of unknown trichomonosis status. Because the disease is not yet confirmed in the herd this subsection is requiring a follow-up test that would either support the initial positive test and therefore support an official positive diagnosis, or negate it. If the confirmatory test were positive the herd would be considered an affected herd; if the test results were negative no further testing would be required.

**Subsection (d)** is amended to require presumptive positive test results from affected and exposed herds to have confirmatory testing when directed by the State Veterinarian.

As described in subsection (c) above, samples are taken from bulls and undergo a screening test called the presumptive test. In the case of affected and exposed herds, if the presumptive test is positive this section provides for conducting a confirmatory test, however only when directed by the State Veterinarian. The Department believes the State Veterinarian's discretion for confirmatory testing is important because the herds involved are already considered affected or exposed, and any additional testing (confirmatory) would not prove anything beyond what is already known – infection exists in the herd. However, in some instances a confirmatory test may be necessary when determining if infection is still present when efforts have been made to eradicate the disease from the herd. For example, the producer may routinely test animals to

seek out infected animals so that they could be removed from the herd. Because the herd is already considered affected or exposed, any secondary testing, confirmatory testing, would not be necessary. Therefore, the Department is not requiring trichomonosis confirmatory testing in known affected and exposed herds, however may be required when directed by the State Veterinarian.

### **Repeal Section 820.6. Disposition of Positive and Infected Cattle.**

The Department proposes to repeal section 820.6 and incorporate the requirements into proposed section 820.7 (Trichomonosis Infected Cattle) as described below.

### **Add proposed Section 820.7 (Trichomonosis Infected Cattle)**

Section 820.7 establishes the requirements pertaining to cattle diagnosed as having trichomonosis. This section specifically addresses infected animals, and affected and exposed herds, establishing a consistent, science-based plan of action for the entire cattle industry to follow when the disease is discovered or suspected. Because trichomonosis once established in a herd is so costly, affecting the reproductive ability of cattle, producers routinely test animals to make sure infection has not come into the herd. It is during these routine tests that an infected animal can be identified.

For clarity, subcategories are used to specify the requirements for infected cattle ((a)(1)), affected herds ((a)(2)), exposed herds ((a)(3)), and herds that have been granted entry into California as a group of cattle for pasture or grazing purposes ((a)(4)). Within each subcategory, trichomonosis testing and movement restrictions are described.

**Subsection (a)** specifies pursuant to Food and Agricultural Code section 9562 the State Veterinarian shall impose a quarantine on the owners of the cattle when such cattle are diagnosed as having trichomonosis. It is necessary for the State Veterinarian to issue a quarantine to further prevent the spread of disease, ensure testing procedures are followed as required, and restrict the movements of any infected cattle or affected herds. The Notice of Violation as described in section 1301.1 of the California Code of Regulations will be served upon the owners detailing the necessary actions and restrictions pursuant to this section that must be followed in order for the animals or herd to be released from quarantine.

**Subsection (a)(1)(A)** addresses cattle confirmed positive for having trichomonosis. This section proposes to require that the infected cattle remain at the location where found. To prevent the spread of disease to other animals or herds, it is necessary to restrict these animals to a single location. In practice, the Department would notify the owner that infected cattle have been identified in the herd and that the infected cattle are now under quarantine order. The Department would issue the Notice of Violation with the specified movement restrictions as described by this section.

To ensure the infected cattle are not sold or allowed to commingle with other cattle, this proposal also requires the owner to obtain permission when moving infected cattle to another location. Because most producers would not continue to maintain

cattle known to be infected with disease, movement to a slaughtering facility is generally the only “permission to move” ever requested. If the owner chooses to have the infected cattle slaughtered, confirmation of the slaughter is required, which would generally consist of a “bill of sale” from the slaughtering establishment. Infected cattle will remain under quarantine until slaughtered because no “cure” exists for trichomonosis, and if the infected cattle were allowed to reproduce they would only continue to spread disease.

The intent of this section is to establish and maintain a record of every infected animal from the time of discovering the trichomonosis infection until the animal is slaughtered to prevent further spread of disease and to eventually eradicate trichomonosis.

**Subsection (a)(2)(A)** describes the procedures for trichomonosis affected herds. As defined, an affected herd is a group of cattle that had an infected animal in the herd within the last 12 months or currently has active infection in the herd. Because trichomonosis is spread through sexual contact, the restrictions proposed in this section are applied to the bulls, referred to as herdmate bulls.

This section proposes to restrict the herdmate bulls to the location where found until three negative consecutive trichomonosis tests are complete. It is important to prevent any sexual contact with other animal to eliminate the possibility of spreading disease, therefore movement restrictions shall be imposed on the herdmate bulls. The Department would notify the owner that infected cattle have been identified in the herd. A Notice of Violation would be issued stipulating the movement restrictions place on the infected cattle pursuant to subsection (a)(1) above, and the movement and testing schedule for the herdmate bulls. If infected cattle are no longer in the herd (e.g. slaughtered), only the herdmate bulls will remain under quarantine order.

Herdmate bulls must be negative to repeat testing (three times consecutively) for trichomonosis because studies of known "positive" bulls have shown that the testing method currently used today will miss about 10% - 20% of infected bulls if they are only tested once. Researchers recommend that repeat testing, up to three consecutive times, is necessary to be sure the bull is negative for trichomonosis. If a bull tests positive during any one of these three negative consecutive tests, the specimen will be sent for confirmatory testing. If the specimen is again positive, the animal is considered infected and the restrictions for infected cattle as defined in subsection (a)(1) shall apply. The Department believes it is necessary to restate this requirement and refer the public to subsection (a)(1) to clarify that the movement restrictions, permission to move and confirmation of slaughter as described apply to any infected cattle.

A Release of Quarantine will be issued when the herdmate bulls are negative to all three required tests.

**Subsections (a)(3)(A) and (B)** pertain to herds that have been exposed to a herd considered trichomonosis affected. As defined, a herd is considered a trichomonosis exposed herd when it is adjacent to a premises occupied by an affected herd or in some way has come in contact with an affected herd. This proposed section requires

the Department to identify any herds potentially exposed to an infected animal or an affected herd and determine if transmission of disease was a possibility.

In practice, when infected cattle or an affected herd are identified, the Department evaluates adjacent properties or herds in contact with the affected herd and using credible scientific research and standard epidemiological investigative techniques, would determine if the neighboring herd could have been exposed to trichomonosis. If sexual contact was possible, this section requires that the herdmate bulls in the now classified “exposed herd” to complete one negative trichomonosis test. In this case, only one test is necessary because it is considered a screening test (presumptive test) to see if the spread of infection has occurred. If a herdmate bulls reacts positively (presumptive positive test) to the test, follow-up testing will be ordered (confirmatory test). Again if the animal is confirmed positive for having trichomonosis, the animal is considered “infected” and the movement restrictions, permission to move and slaughter confirmation are required as stated in section (a)(1) pursuant to quarantine order. Likewise, this herd is now considered an affected herd and would be quarantined with testing and movement requirements as required for affected herds above.

**Subsection (a)(4)** establishes the testing and movement restrictions for trichomonosis affected and exposed herds that have been authorized entry into California via a Pasture to Pasture permit. “Pasture to Pasture” herds are herds of cattle from neighboring states that move into California for seasonal grazing and return to their state of origin within a few months. Requirements for such movements can be found in Title 3 of the California Code of Regulations section 753.1(f)(2)(A) through (H).

At the time the Pasture to Pasture Permit agreement is completed by the State Veterinarian’s office of the originating state, the Department is notified that the herd in question is an affected or exposed herd. As a part of the agreement to enter California, Pasture to Pasture herds must adhere to the testing and movement restrictions as required by this section.

**Subsection (a)(4)(A)** pertains to Pasture to Pasture Permit affected herds. By definition, an affected herd is a group of cattle that had an infected animal in the herd within the last 12 months or currently has active infection in the herd. For the purposes of Pasture to Pasture Permit herds, no trichomonosis infected cattle will be allowed to enter California.

As required for the “affected herds” subsection above, this subsection restricts the herdmate bulls to the location where found until three negative consecutive trichomonosis tests are complete. Researchers recommend that repeat testing, up to three consecutive times, is necessary to be sure the bull is negative for trichomonosis.

Because the cattle are in California only temporarily, this subsection provides for a return to the state of origin to complete the testing. The Department makes allowances for the testing to be conducted in the state of origin because it may be more economical for the owner to complete the testing at his own facility in the state of origin. If the owner chooses to move the herd back to the state of origin, upon

completion of the three consecutive negative tests, the State Veterinarian of the originating state will notify the State Veterinarian of California to obtain a Release of Quarantine order. Should the owner choose to keep the herd in California for the duration of grazing season as specified on the Pasture to Pasture Permit, completion of the testing as required is needed in order for the herd to be released from quarantine.

If during the required testing a positive test results, the herd is still considered affected and may return to their state of origin, or may remain in California, to complete the testing as specified. The infected animal is not allowed to move interstate and shall remain at the location where found. Movement restrictions pursuant to quarantine will not allow this animal to move but only to slaughter with confirmation as required by this section for infected animals.

**Subsection (a)(4)(B)** establishes the provisions for Pasture to Pasture Permit herds that are by definition classified as an exposed herd. Pasture to Pasture Permit herds considered exposed are restricted to the location where found until the herdmate bulls complete one negative trichomonosis test. Only one test is necessary because it is considered a screening test (presumptive test) to see if the spread of infection has occurred. If a herdmate bulls reacts positively (presumptive positive test) to the test, follow-up testing will be ordered (confirmatory test).

As described above, owners are provided the opportunity to have the testing completed in their state of origin, at which time the State Veterinarian of that state will notify California's State Veterinarian to obtain the release from quarantine.

Any infected animals discovered will be quarantined with movement restrictions as previously stated and the herd would be considered affected with movement and testing requirements as required.

**Subsection (b)** requires owners of all cattle tested to be responsible for the costs of trichomonosis testing. Most cattle producers already have routine trichomonosis testing programs as a part of their herd management practices in an effort to eliminate the disease from their herds, their neighbor's herd, and eventually the state.

It is in the best interest of California cattlemen to rid the state of this disease as it affects the reproductive ability of cattle. The Department's Cattle Health Committee, which comprises of industry, academia, and scientists have created and authorized these proposed changes to the existing trichomonosis program. The Bovine Trichomonosis Control Program is an industry driven program with government oversight. Therefore, all costs associated with following the required testing schedule must be absorbed by the producer.

**Subsection (c)** states all testing must be completed with 60 days of after the owner is notified of the quarantine order, or the whole herd, no longer just the herdmate bulls, could be placed under quarantine order. Should a producer not cooperate with the Department within the specified timeframes for testing, a quarantine of the whole herd could be used to prevent movement of individual animals or the entire herd. The

Department has determined 60 days is enough time to complete the required testing. Additionally, the 60 day time frame is consistent with the pre-entry testing requirements time frame.

## **Renumber Section 820.7 to 820.8. Violations.**

No changes to existing text.

## **Underlying Data**

### **Cattle Health Advisory Task Force:**

- Minutes, dated March 10, 2005
- Resolution, dated November 18, 2005
- Minutes, dated January 18, 2006
- Minutes, dated June 14, 2006
- Minutes, dated November 8, 2006

## **Business Impact**

The Department has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The following compliance requirements are projected to result from the proposed action:

1) Paperwork: This proposal contains paperwork requirements consisting of laboratory testing for trichomonosis in cattle. The potential costs would be for the testing or retesting for trichomonosis in bulls entering the state, and for the testing and retesting of herdmate bulls in herds in California containing infected cattle, affected and exposed herds, or herds moving into California via a Pasture to Pasture permit. The testing requirements are intended to control and possibly prevent a disease of cattle that will benefit California's cattle industry, promote healthy animals, and make the industry's products marketable both nationally and internationally.

2) Record Keeping: This proposal does not contain a record keeping requirement.

3) Reporting: This proposal contains a reporting requirement, which requires notification to the Department within 2 days of discovering trichomonosis. This requirement applies to any licensed veterinarian, any person operating a diagnostic laboratory, or any person who has been informed, recognizes or should recognize, by virtue of education, experience, or occupation per Food and Agricultural Code section 9101. Additionally this proposal is requiring any positive test result for trichomonosis to be reported to the Department with 2 days of reading the test. This requirement is necessary to prevent any positive animals from moving and spreading disease.

### **Specific Technologies or Equipment**

This regulation does not mandate the use of specific technologies or equipment; however, the livestock industry or veterinary medical practices may require specific technologies or equipment.

### **Consideration of Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Department of Food and Agriculture would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.